

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEVEN RAY WOOD,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-16-1362-F
)	
HECTOR A. RIOS, Warden, et al.,)	
)	
Defendants.)	

ORDER


United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation on December 30, 2016, recommending that plaintiff's cause of action be dismissed without prejudice pursuant to 28 U.S.C. §§1915A(b) and 1915(e)(2)(B) for failure to state a claim upon which relief may be granted. Magistrate Judge Purcell further recommended that the dismissal of plaintiff's cause of action count as one "prior occasion" or "strike" pursuant to 28 U.S.C. § 1915(g).

Presently before the court is plaintiff's objection to the Report and Recommendation. Having conducted a de novo review of the matter pursuant to 28 U.S.C. § 636(b)(1), the court concurs with the analysis of Magistrate Judge Purcell. The court finds plaintiff's objection to Magistrate Judge Purcell's recommended ruling of dismissal to be without merit. Therefore, Magistrate Judge Purcell's Report and Recommendation is accepted, adopted and affirmed.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on December 30, 2016 (doc. no. 13) is **ACCEPTED, ADOPTED and AFFIRMED**. Plaintiff's cause of action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. §§1915A(b) and

1915(e)(2)(B) for failure to state a claim upon which relief may be granted. The dismissal of plaintiff's cause of action counts as one "prior occasion" or "strike" pursuant to 28 U.S.C. § 1915(g).

DATED January 12, 2017.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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